IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

Crl.MC.No. 152 of 2007()

CC.178/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT-III, PALAKKAD

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PETITIONERS: ACCUSED 1 TO 10

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1. K.MURALY, AGED 38 YEARS, S/O.KUMARAN,
V.H.ROAD, PALAKKAD.

2. SHAMEER, S/O.HAMSA,
THACHARIKUNNATHU HOUSE,
KANJIRAPUZHA.P.O, PALAKKAD.

3. V.RAJESH, KONKALAM VEEDU,
KANNAMBRA.P.O, VADAKKANCHERY,
PALAKKAD.

4. A.RAVEENDRAN, S/O.GOVINDAN,
PADMALAYAM, MATHUR.P.O, PALAKKAD.

5. RAMAKRISHNAN, S/O.RAMAN,
KOTTAYIL, KULAPPADAM,
MANNARKKAD, PALAKKAD.

6. MOHANAN, S/O.ACHUTHAN NAIR,
CHEMBOTTIL PUTHANVEEDU,
CHUNGAMANDAM, MATHOOR.P.O, PALAKKAD.

7. BHAGYALAKSHMI, D/O.SANKARAN,
MADATHUMPULLY VEEDU, PALLANADA.P.O,
MANNARKKAD, PALAKKAD.

8. MANOJ, S/O.V.ARAVINDAKSHAN,
H.NO.6/18, NEAR CHITTUR KAVU,
CHITTUR.P.O, PALAKKAD.

9. MOHANDAS, S/O.CHELLAPPAN NAIR,
ANCHERY HOUSE, P.O.KALPATHY,
PALAKKAD.

10. P.KALADHARAN, S/O.PAZHANNAN,
CHUNGAMANDAM, MATHOOR.P.O,
PALLANCHATHANNUR, PALAKKAD.

PBY ADV. SRI.RENJITH THAMPAN

RESPONDENTS: STATE & COMPLAINANT
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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
RAILWAY POLICE STATION, PALAKKAD.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.152 OF 2007

Dated this the 18th day of January, 2007.

ORDER

The petitioners face indictment in a prosecution, inter alia, under Sections 447 and 341 read with 149 I.P.C. According to the petitioners, they were not aware of the pendency of such a prosecution at all. They now find that the learned Magistrate has issued non bailable warrants to secure their presence. They have rushed to this Court with this petition for issue of directions under Section 482 Cr.P.C to the learned Magistrate to release the petitioners on bail when they appear and apply for bail.

2. I have no reason to assume that the learned Magistrate would not consider the petitioners' application for bail to the filed by them on their surrender on merits, in accordance with law and expeditiously. All Courts must do the same. No special or specific directions appear to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

3. In the result, this Crl.M.C is dismissed. But with the specific observation that if the petitioners surrender before the

learned Magistrate and apply for bail, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

4. Hand over a copy of this order to the learned counsel for the petitioners for production before the learned Magistrate.

R.BASANT
JUDGE

rtr/